



Upper Uwchlan Township
Board of Supervisors
Regular Meeting
October 18, 2010

Approved

In Attendance:

Board of Supervisors

Guy A. Donatelli, Chairperson
Catherine A. Tomlinson, Vice-Chairperson
Kevin C. Kerr, Member

Township Administration

Cary Vargo, Township Manager
Gwen A. Jonik, Township Secretary
Karen Wertz, Treasurer
John DeMarco, Chief of Police
Al Gaspari, Codes Administrator
Mike Heckman, Director of Public Works
David Leh, P.E., - Gilmore & Associates
John E. Good, Esq. – Township Solicitor

Mr. Donatelli called the meeting to order at 7: 01 p.m., led the salute to the flag and offered a moment of silence.

Mr. Donatelli announced that the Board had considered Calvin Chen's Conditional Use request, heard September 20, 2010, in order to provide indoor table service in Mr. Chen's restaurant, located in the C-1 Village District, and a formal Decision had been drafted for the Board's review.

Mr. Kerr moved, seconded by Mrs. Tomlinson, to grant Conditional Use Approval, to allow table service in Mr. Chen's establishment. Mr. Donatelli advised the Decision includes provisions that all necessary Health Department permits and approvals would need to be met. The Motion carried unanimously.

Mr. Donatelli announced Township Solicitor John Good would proceed to conduct a Hearing regarding the vacating of West Township Line Road. William Handy, Court Recorder, was present to record the Hearing.

A Petition and Proposed Ordinance to vacate the portion of West Township Line Road, between Pennsylvania Drive and Stockton Drive, was submitted August 24, 2010 by Bentley Systems and Hankin Group, the adjacent property owners. Municipal Procedure requires a Hearing being held within 60 days from the Petition submission.

Denise Yarnoff, Esq., Riley Riper Hollin & Colagreco, was in attendance, representing both Bentley Systems and Hankin Group. The request to vacate the roadway had been brought before the Township Planning Commission twice and before the Board of Supervisors once. The vacating of this section of roadway had been agreed to in 1998 during Bentley's initial land development, but several conditions for closure had not taken place to date. Bentley Systems plans to expand their office space and create a corporate campus, which would be divided by this portion of roadway.

David Hollister, Chief Financial Officer – Bentley System – spoke of Bentley's 20-year history at this location, and the planned expansion of their Headquarters would add 260 employees, a benefit to Upper Uwchlan Township's tax base. Bentley Systems is a computer software designer/manufacturer.

Neal Fisher, Vice President of Engineering -- Hankin Group -- explained that closing the roadway will be beneficial for all – safe Corporate Campus, additional high-end employees, additional construction employees, increased tax base, etc.

Kevin Johnson, President – Traffic Planning & Design – described the collection of information contained in the August 20, 2010 Traffic Study: 5 intersections studied, 2-hour periods 7:00-9:00 am and 4:00-6:00 pm, included peak times, current conditions and projected conditions with and without full build-out of Eagleview Corporate Center.

A lengthy session of comments and questions were offered by the following citizens: Don Carlson, Keith White, Debra Hellick, Matt Hellick, Steve McNaughton, Mr. Lieberman, Lisa McIntee, Christine Peckman,

Kevin Trainer, Fritz Senn, Hal Harper, Pat Dennin, Bruce McFarland, Bob Schoenberger, Meg Sweeney, Vicky Channel.

Those comments and questions included: travelers will be greatly inconvenienced; minutes, not seconds, are added to residents' daily travel time; Upper Uwchlan should receive monetary or swap of land as compensation; do Bentley employees frequently travel between buildings?; this closure wouldn't be environmentally friendly; what traffic control devices will be added to the intersections studied?; was traffic study done when school was in session and during student dismissal at UTI?; road safety is jeopardized and the volume of traffic will congest the alternate intersections; what physical improvements would be made to the area of West Township Line and Stockton?; as non-monetary compensation add sidewalks or trails along roadway for safer pedestrian traffic, and/or to connect path from Pondview to Hickory Park; will the earned income tax received be substantial?; create a corporate campus elsewhere in Eagleview; roadway closure is not necessary to provide corporate campus or safe crossing; to add a safe crossing, tunnel under or build a bridge across; what is Bentley's plan if Township doesn't approve closure; road closure should be conditioned upon completed construction of the new office building; will AES pipeline impact these parcels; vacate Stockton instead; intersection of Stockton and Rice will be signalized in the future; recent Township Planning Commission meeting minutes should be included; keeping the road open serves the transportation needs of the residents, just add traffic calming measures; when Bentley expands, increased tax base serves the needs of all Township residents.

John Good concluded the Hearing and explained the Board of Supervisors needs to consider the situation and comments offered this evening, and make a decision whether to dismiss or approve the request. If it is decided to approve the request, an Ordinance would have to be adopted to vacate the portion of roadway, an Agreement to vacate would be signed, but the Ordinance would not be recorded with the County until the conditions of approval have been met. Mr. Good closed the Hearing.

Mr. Donatelli commented and Mr. Kerr agreed that a vote could occur immediately. Mrs. Tomlinson asked that conditions of approval, as offered this evening, be reiterated.

Mr. Donatelli moved, seconded by Mr. Kerr, to grant the Application to Vacate with the following conditions:

1. vacation will not occur until Final Land Development approval is granted for Eagleview Corporate Center Lot #5;
2. an appropriate trail will be provided by the Applicants from Stockton to Kendra, taking into account landowners' consent to occur on their property;
3. that the ability to construct an access from the Pondview trailhead to Hickory Park along the western edge of Eagleview Corporate Center Lot #1 be preserved;
4. that appropriate signs and pavement markings are provided, at the Applicant's expense;

Mrs. Tomlinson requests that the meaning of "trails" needs to be clarified. Mr. Good will draft and circulate a Motion that includes these conditions for the Board's review.

Kevin Trainer and Don Carlson offered comments: instead of a Pondview connection, further extend a trail along West Township Line; closure will increase traffic on Pennsylvania Drive, and its condition should be improved -- by the Applicant as a condition of approval.

The Motion to grant the Application with the above-referenced conditions was unanimously approved.

Approval of Minutes

Mr. Kerr moved, seconded by Mrs. Tomlinson, to approve as presented the minutes from the September 20, 2010 Supervisors' meeting. So moved.

Approval of Payments

Mrs. Tomlinson moved, seconded by Mr. Kerr, to pay all vendors as listed October 17-23, 2010. Mr. Donatelli strongly suggested future newsletters be offered electronically only, not printed. Mr. Kerr advised the new website, which will be more interactive than present, will assist in that effort. The Motion carried unanimously.

Treasurer's Report

Karen Wertz reported September's activities included collecting delinquent sewer accounts, and assisting the Pension Plan Auditor. Mr. Kerr moved, seconded by Mrs. Tomlinson, to accept the Report as presented. The Motion carried unanimously.

Supervisor's Report

Mr. Donatelli read the following Emergency Services Report for September: Ludwigs Corner Fire Company – 7 fire calls, 7 QRS calls; Lionville Fire Company – 6 fire calls; East Brandywine Fire Company – 1 fire call; Glenmoore Fire Company – 1 fire call; Uwchlan Ambulance Corps – 18 calls; Teenaid – 1 calls; and the following Calendar: Yard Waste Collections – October 20, November 3, November 17; October 31, 2010 6:00-8:00 p.m. Trick Or Treating; November 2, 2010 7:00am – 8:00pm Election Day; November 9, 2010 4:00 p.m. Board of Supervisors' Workshop (Proposed 2011 Budget); November 15, 2010 7:00 p.m. Board of Supervisors' Meeting; November 25-26, 2010 Office Closed - Thanksgiving.

Administrative Reports

Township Engineer's Report

Dave Leh reported that Great Country's Subdivision/Land Development plan has moved through the review process and may be approved by the Board this evening, and Brandywine Springs Farm (Shea) has submitted a Final Subdivision Plan.

Building/Zoning Department

Al Gaspari reported the Department issued 30 permits, totaling @ \$9,000, in September. Mr. Gaspari attended the annual BOC conference and in Pennsylvania, it is proposed that sprinkler systems might become mandatory for new residential construction.

Police Chief's Report

Chief DeMarco reported 710 calls were received, 3 criminal arrests, and the Department is a recipient of a \$9,000 grant from PA Commission on Crime and Delinquency which will be applied to the 2011 budget

Public Works Department

Mike Heckman reported the Department's September activities included field maintenance at Fellowship Fields, roadway patching, cleaning storm water inlets, saw cutting for base repairs, and general maintenance throughout the Township.

Mr. Kerr moved, seconded by Mrs. Tomlinson, to receive the Administration's reports. So moved.

Land Development

Dave Beideman, Howard Goldberg, Karen Smaltz and Fred Gunther were present seeking Preliminary/Final Subdivision and Land Development approval for Great Country, LLC's application to subdivide the 3+ acres Smaltz Harley Davidson property into 2 lots. Mr. Gunther is currently leasing Lot 2 and renovating the building to house his auto repair business. The land development proposal for Lot 2 will reduce the size of the gravel parking area, a second smaller building will be constructed to house the paint shop, landscaping and lighting will comply with ordinances and the storm water basin will be enlarged to handle both lots. On-site well and septic will continue to be utilized. All comments contained in the Consultants' review letter will be addressed.

Mr. Donatelli moved, seconded by Mr. Kerr, to adopt Resolution #10-18-10-19, granting approval of the Subdivision and Land Development plan including the following waivers and/or conditions.

1. The plans shall be revised to comply with Gilmore & Associates, Inc.'s review letter dated October 5, 2010.
2. All improvements shall be completed in accordance with the conditions set forth in the Conditional Use Decision and Order dated March 15, 2010.
3. A waiver from SALDO Section 162-9.B.(1).(a). to permit a drawing scale of 1"=30' for preparation of the land development plan set is hereby granted.
4. A waiver from SALDO Section 162-9.D. which requires a Site Analysis and Impact Plan be prepared is hereby granted.
5. A waiver from SALDO Section 162-9.F.(2).(c). which requires a utilities plan be provided for the project is hereby granted provided existing and proposed utilities for Lot 2 are shown.
6. A waiver from SALDO Section 162-9.G.(2). which requires connection to public water is hereby granted.
7. A waiver from SALDO Section 162-39.D. which requires curbing for parking areas is hereby granted.

8. A waiver from SALDO Section 162-51.D.(3).(d). which requires the ground cover for the existing condition of the site to be considered a "meadow condition" is hereby granted.
9. A waiver from SALDO Section 162-51.(H).(8). to permit a basin berm top width of seven feet (7') is hereby granted.
10. A waiver from SALDO Section 162-57.A.(2) which requires a twenty feet (20') wide landscaping buffer be provided along the perimeter of the property is hereby granted along the common property line with the Wolfington Bus Company property.
11. The Applicant agrees to pay a Traffic Impact Fee the amount of which is to be based on the increase in trips from the Applicant's current location and this new location. The traffic counts required to make this determination shall be completed by the Township Traffic Engineer at the Applicant's expense.

The Motion carried unanimously.

Administration

Earned Income Tax (EIT) Collection Ordinance – Mr. Donatelli explained the Township needed to adopt an EIT Collection Ordinance, which provides for tax collections consistent with the County's Tax Collection Committee's program and that the firm selected to collect the taxes County-wide, Keystone Collections, could begin their contract January 1, 2011 by adoption of an "Acceleration" Resolution. Acceleration was recommended by the County.

Mr. Donatelli moved, seconded by Mr. Kerr, to adopt Ordinance #2010-09, which states the Earned Income Tax Collection Process, and Resolution #10-18-10-20 which accelerates the commencement of Keystone Collection's service to Upper Uwchlan Township. The Motion carried unanimously.

Open Session

Don Carlson commented that Great Country's subdivision created another non-conforming lot and it is hoped signs for the business will be kept at a minimum.

Adjournment

There being no further business to be brought before the Board, Mr. Donatelli adjourned the meeting at 10:28 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary